

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: March 23, 2004

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Christopher Romeo, Robert Jefferies, Dini Healy-Coffin,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steven Ledoux-Town Manager, Audience Members

Open Forum

Walter Nyder, 82 Graniteville Road, took issue with the request to the Selectmen made by Paul Murray, Finance Officer for American Legion Post 159, on March 9th seeking waivers from Building Department, Board of Health and liquor license fees. Nyder stated that Murray took it upon himself to represent the American Legion Posts 159 and 437 and the VFW. Nyder stated that membership has not supported Post 159 since 1965 and that the Legion has funds to pay its bills through the support of bar patrons and lottery machines. Nyder felt that Murray should have shown proof that waivers were needed.

Joseph McQuade, 4 Long Road, stated that he has lived in Westford for 39 years on Long Road, a semi-private road. McQuade was concerned with his high tax bill and felt that he should get the same level of service as other taxpayers in town. McQuade stated that there is a tree on the corner of Long Road which needs to be removed. Romeo asked Ledoux to speak to McQuade on Wednesday, March 24, 2004 regarding the town's tree removal process.

Joint Meeting of Board of Selectmen, School Committee and Town Moderator – Appointment of Nashoba Valley Technical High School (NVTHS) Representatives

Loiselle recused himself as his wife is an employee of NVTHS. Ellen Harde, Town Moderator and Margaret Murray, Sharon Boonstra, Karen Young, Betsy Andrews, and Tamison Read Rose, members of the School Committee were present.

It was moved by Healy-Coffin, seconded by Boonstra, and VOTED 9 IN FAVOR WITH 1 RECUSAL (Loiselle), to nominate Joan O'Brien for a three year term.

It was moved by Healy-Coffin, seconded by Boonstra, and VOTED 9 IN FAVOR WITH 1 RECUSAL (Loiselle), to nominate Dianna Greenwood as alternate for a three year term.

Presentation from Neal Dixon on his Eagle Scout Project re: Arch Bridge

Neal Dixon, Eagle Scout, presented his proposed project to install steps from the top of the old "Red Line" right-of-way at the Arch Bridge down to a level area. Romeo referenced a memo from William Turner, Conservation Administrator, dated March 17, 2004, which indicated that the Conservation Commission endorsed the project. **It was moved by Silva, seconded by Loiselle, and VOTED UNANIMOUSLY, to authorize the proceeding of the project.**

Discussion of Keyes Corner Intersection Improvement

Norman Khumalo, Assistant Town Manager, Richard Barrett, Highway Superintendent and James Arsenault, Town Engineer, were present. Khumalo reported that the Zoning Board of Appeals is currently reviewing the Keyes Corner Condominiums LIP project. Khumalo also reported that the applicant has volunteered to help the town address the intersection improvements for Nutting and Groton Roads. Barrett pointed out that this intersection has been discussed at previous Selectmen meetings. Barrett outlined the plans for the installation of a traffic island to control traffic, the installation of stop signs, stop lines and straightening of the roadway in front of the proposed development along Route 40. Romeo asked Barrett to respond to a memo from Jennifer Burke, Permitting Office Manager, dated March 18, 2004, on behalf of the Zoning Board of Appeals. The Zoning Board asked about widening Nutting Road. Barrett stated that he was not in favor of widening Nutting Road as he felt that the narrow width made the road more scenic and rural. Barrett also pointed out that the Water Department rebuilt the road a few years ago. The Zoning Board was concerned with where trucks that stop at Dunkin' Donuts will now park. Barrett stated that parking that was available will now be landscaped. Barrett suggested waiting to see if no parking zones are needed. Barrett felt that No Parking signs deter from the rural character.

The Zoning Board had asked if a truck exclusion could be created down Nutting Road to prevent construction traffic from using that Road. Barrett noted that only the State has jurisdiction over truck exclusions. Barrett suggested that the town work with the applicant to keep the construction traffic off Nutting Road.

Healy-Coffin was not in favor of expanding Nutting Road or lining the street with No Parking signs. Loisel was in favor of keeping the construction traffic off Nutting Road. Romeo asked if the Zoning Board could condition the applicant to pay for the improvements.

Robert Herrmann, Alternate Member of the Zoning Board, believed that the Zoning Board could condition the applicant to pay for the intersection improvements and stated that the Zoning Board has a great deal of latitude in terms of conditions. Herrmann urged the Selectmen to schedule a public hearing as soon as possible to adopt Barrett's plan so that the Zoning Board can condition the intersection improvements. Herrmann stated that time is of the essence in this matter and that the Zoning Board is nearing a decision on the LIP project. Barrett informed the Board that a public hearing was also needed for Story Street in conjunction with the bridge project. Barrett suggested holding both public hearings on the same night. The Board to hold a public hearing on Tuesday, April 20, 2004. Herrmann suggested that the granite curbing proposed in front of the Rancho property be continued to the edge of the (Rancho) property line. Arsenault stated that the Engineering Department had the same recommendation.

Dave Earl, Zoning Board of Appeals, felt that the intersection improvements should have been addressed sooner. Earl suggested that the Selectmen ask the Police to enforce the parking issues. Earl disagreed with waiting until something happens to fix the parking situation. Romeo asked that a Police representative provide input at the public hearing regarding the parking.

Kevin Kearns, 208 Groton Road, asked that a traffic study be done of the intersection and that a history of accidents be provided for that study. Kearns felt that a "T" intersection would be safer. Kearns wanted No Parking signs installed now.

Elizabeth Hartofelis, 87 Nutting Road, stated that she did not like the plans because of the right turning lanes. Hartofelis felt that there should be Do Not Enter signs facing travelers on Route 40 at the Keyes right turning lane. Hartofelis was also concerned with the safety of children and the track team using the old rail path as an access to and from the new middle school. Hartofelis was also concerned with the children in the new development having inadequate recreation area and using the path. Hartofelis invited the Selectmen to visit the site.

Barrett stated that it was not possible to make a “T” intersection. Healy-Coffin asked if a crosswalk could be installed on Nutting Road. Barrett stated that a crosswalk is supposed to be attached to a sidewalk. Barrett stated that he would look into the possibility of installing a crosswalk. Healy-Coffin asked Ledoux to send a letter to the School Superintendent asking that the students and track team not use the pathway on Nutting Road.

Presentation on Proposed Water Department Reorganization

Ledoux stated that under the Town Charter the Town Manager can reorganize departments under his jurisdiction. Ledoux stated that he met with the Water Commissioners and endorsed their plan for reorganization. Leslie Thomas, Water Commissioner, made a presentation of the Westford Water Department Reorganization. Thomas stated that there are no new employees or positions and that there will be no negative impacts to the Town. Jefferies asked what the impact would be on the water rates. Thomas stated that there should be no impact for the next year. Thomas reported that the Human Resources Director and the Personnel Advisory Committee met with the Water Commissioners and endorsed the reorganization plan. On behalf of the Water Commissioners, Thomas thanked the Water Department employees for a smooth transition during the moving process. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to accept the Water Department’s proposal for the reorganization.**

Presentation by Personnel Advisory Committee (PAC) on Adjustments to Pay and Classification Plan

Kathleen Smith, Dana Owen, Jack Wrobel, and Tom Kleinhanzl, members of the Personnel Advisory Committee were present. Smith updated the Board on the review of the Policy and Procedure Book. The PAC had no changes to the Policy and Procedure Book at this time. The PAC also reviewed the Classification Plan and recommended going from 6 factors to 12 factors relative to the classification for internal banding of positions. The PAC will continue to review the market data.

Presentation of FY03 Audit

Suzanne Marchand, Finance Director and Alice Ferro, Town Accountant, were present. Marchand presented the results of the FY03 audit. Marchand recapped the financial statements, management letter and comments.

Board to Set Annual Town Meeting Warrant

Ellen Harde, Town Moderator, was present to assist the Board and Ledoux in setting the Annual Town Meeting Warrant. Harde asked if the Board wanted to make Article #2, Baby Safe Haven, part of Article #1, Town Reports. Ledoux recalled that the representatives of Baby Safe Haven came before the Board looking for endorsement as a Special Act. Loiselle recalled that they were looking for a Home Rule Petition. Romeo suggested that the Baby Safe Haven be a Resolution. Healy-Coffin pointed out that the Board had several questions

at the time that needed to be addressed with the Police and Fire Departments. Loiselles stated that he read that the House had passed the Baby Safe Haven and that the Senate was reviewing it. Jefferies stated that it is unclear as to what other states have passed. Loiselles suggested not placing the Baby Safe Haven on the warrant since the State is addressing it. The Board concurred.

Ledoux reported that Liz Adams had suggested that Articles #8, #9, #10, and #11, Collective Bargaining issues, be separated. Ledoux felt that the articles should be combined.

Ledoux suggested that Article #13, Citizen Petition; Funds for Abbot School Playground, be placed in the Capital Requests.

Article #29, Street Discontinuance (Portion of Old Tyngsboro Road). Romeo recused himself as he is a business associate of John H. Pearson, Jr., Trustee of Stone Pony Realty Trust. Ledoux reported that the Board has not received the requested information. Healy-Coffin did not recommend putting this Article on the Warrant. Healy-Coffin did not want to give up the land without payment or provide more land for developers to build on. Article #29 was not placed on the Warrant.

Articles #25, #26, and #27, Zoning Amendments. Mike Green, Co-chair of the Master Plan Implementation Committee (MPIC), was present. Green reported that the MPIC is continuing to work on the performance standards for the special permit criteria. Green stated that a comprehensive set of criteria probably will not be ready for Town Meeting. Green suggested that the MPIC present a reduced scope to Town Meeting. Green also reported that the MPIC made a motion to recommend to the Planning Board withdrawal of these articles. Green asked that the Planning Board report back to the Selectmen at the next meeting. Bob Shaffer, MPIC, stated that there are many issues with regards to the specifics of the language. Harde suggested leaving the articles on the Warrant and withdrawing them at Town Meeting if necessary. The Board concurred.

Article #28, Zoning Map: Water Resource Protection District. Mike Green, Co-Chair of the Master Plan Implementation Committee (MPIC), recommended that Article 28 be placed on the Warrant.

Request for Waiver to Hiring Freeze – Fire Alarm Operator

Ledoux recommended waiving the hiring freeze for the Fire Alarm Operator. **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to recommend waiving the hiring freeze to allow the Fire Department to hire a Fire Alarm Operator.**

Licenses/Permits

Banner Request – Westford Academy Production of “Les Miserable”.

Ledoux reported that there are conflicts with other banners for the annual town election, annual town meeting and the Westford road race. The Westford road race banner will be placed in front of Abbot School. Gayle Wells and Margaret Towers, Publicity Westford Academy Theater Arts, were present. After discussion of various dates, Healy-Coffin suggested that the Board approve the placement of the banner starting on April 25th and let Ledoux decide that if there are too many banners, it will have to come down. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to direct Ledoux to set the date for the banner after obtaining date information and working with Gayle Wells and Margaret Towers, knowing that the play starts on April 30th.**

Minutes

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the minutes of February 10, 2004 (regular session).

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of February 10, 2004 (executive session) but NOT release to the public.

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of February 23, 2004 (regular session).

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It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of February 24, 2004 (regular session).

Franklin Property

No report at this time.

Brookside Mill

No report at this time.

Board Reports/Updates

Comcast License Renewal - Silva requested an executive session at the end of the meeting to discuss the Comcast license renewal.

Affordable Housing Committee – Romeo reported that the Affordable Housing Committee will be meeting on Wednesday, March 24, 2004 at 7:15 a.m.

Correspondence

Romeo read the list of correspondence.

3.23 Letter of Resignation from Bill Coakley from Housing Authority, Community Preservation Committee and Stony Brook Master Plan. Romeo thanked Coakley for his support of affordable housing and for his many years of service to the town.

3.24 Letter of Resignation from Julia Lavelly from Recreation Commission. Romeo thanked Lavelly for her service to the town.

Executive Session

The Board voted at 10:15 p.m. to go into executive session for the purpose of discussing the Comcast license renewal. A polling of the Board: Romeo-yes; Jefferies-yes; Healy-Coffin-yes; Loiselle-yes; Silva-yes. The Board to reconvene to regular session to adjourn.

Reconvene to Regular Session

The Board reconvened to regular session at 10:26 p.m.

Open Items

3/23-1 Ledoux to speak to Joseph McQuade regarding the town's tree removal process re: tree on corner of Long Road.

3/23-2 Board to hold a public hearing on April 20th to discuss Nutting and Groton Roads intersection improvement plans.

3/23-3 Ledoux to invite Police representative to April 20th public hearing for input.

3/23-4 Ledoux to send a letter to the School Superintendent asking that the students and track team not use the pathway on Nutting Road.

3/23-5 Ledoux to work with Gayle Wells and Margaret Towers re: placement of banner for Westford Academy production.

Adjournment

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to adjourn the meeting.

Steve Ledoux, Town Manager

Christopher Romeo, Chairman